

The Acquis in the field of Legal Metrology

- ✓ Units of Measurement
- ✓ Measuring Instruments
- ✓ Pre-packaging

The main challenge is how to
create ...

Starting from a great variety of
countries, technical regulations,
cultures, industrial standards &
administrative infrastructures ...

... one single market

- ✓ one common technical environment
- ✓ one common legislative framework
- ✓ one coordinated enforcement policy
- ✓ high competitiveness
- ✓ fast innovation

Implementation:

- ✓ Harmonisation (NLF)
- ✓ Guidance
- ✓ Standardisation
- ✓ Administrative Cooperation

Legal Metrology

Legal metrological control is:

- ✓ One of the oldest regulated areas in society.
- ✓ Highly complex and technical.
- ✓ Unexpected high political profile, with large and sometimes agitated press coverage.

Units of measurement

Directive 80/181/EEC on units of measurement:

- ✓ Economic, public health, public safety or administrative purposes, with exception of international transport
- ✓ SI-units mentioned in Chapter 1 are mandatory
- ✓ Supplementary indications allowed but not defined (fl. oz)
- ✓ Exemptions: UK & IRL – pint, mile, troy ounce
- ✓ Last update: Directive 2009/3/EC
- ✓ Recast after comitology is updated in Directive 2009/34/EC
- http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/unitmeas/index_en.htm

Measuring Instruments (1)

Two series of regulation, fundamentally different in nature:

1. Old Approach harmonisation by Directive 71/316/EEC on common provisions, combined with 18 specific directives, all of which have been or will be repealed by 2015 at the latest.
2. New Approach harmonisation by
 - Directive 2004/22/EC on measuring instruments (MID)
 - Directive 2009/23/EC on non-automatic weighing instruments (NAWI)

- Old Approach harmonisation:

- ✓ Directive 2009/34/EC recasts Directive 71/316/EEC
- ✓ Directive 2004/22/EC (MID) repeals 10.5 directives from 2006
 - *10 years transition for old Type Approvals until 29 October 2016*
 - *Directive 75/33 repealed for clean water, the rest of it in 2011/17*
- ✓ Directive 2011/17/EU repeals 7.5 Directives (=8 incl. Dir 75/33):
 - *Directive 71/349 (ship tanks) in 2011, transition until 2021*
 - *Other 7 Directives in 2015, transition until 2025*
- ✓ Directive 2009/34/EC is "empty" except for:
 - *e-marking and \exists (= reversed epsilon) marking in Prepackages*
 - *Committee only for use under Units of Measurement*

No need to fully transpose, if transition, marks and committee are included

Measuring Instruments (2)

New Approach harmonisation

- **Measuring Instruments (MID)**
- **Non automatic weighing instruments (NAWI)**
- ✓ Manufacturer always responsible
- ✓ Essential requirements
- ✓ Choice of conformity assessment procedure and notified body
- ✓ Open to innovation and (international) standards
- ✓ New Legal Framework package

New Legislative Framework

- July 2008:
 - **Regulation 765/2008:** common accreditation and market surveillance framework
 - **Decision 768/2008:** consolidates, completes and modernises basic New Approach concepts – Model for future legislation harmonising product-related requirements

Official Journal of the EU, L218, 13.08.08

New Legislative Framework

Regulation & Decision (1)

REGULATION

Accreditation

Market surveillance

- **internal**
- **imported products**

general principles

Financing elements

Applicable from 1 Jan 2010

*Lex Specialis sectorals /
General Product Safety
Directive*

• **DECISION**

- Definitions / obligations
- Notified Bodies (criteria / process / accreditation)
- Conformity assessment procedures
- Safeguard mechanisms (& market surveillance)
- **CE** marking
- Basis for future legislation

New Legislative Framework

Regulation & Decision (2)

- REGULATION
- Covers elements not included in sectoral legislation
- Complementary to sectoral legislation
- Applicable from 1 January 2010
- Rights and obligations for Member States and individuals

DECISION

Covers elements already included in legislation

Sui Generis Decision

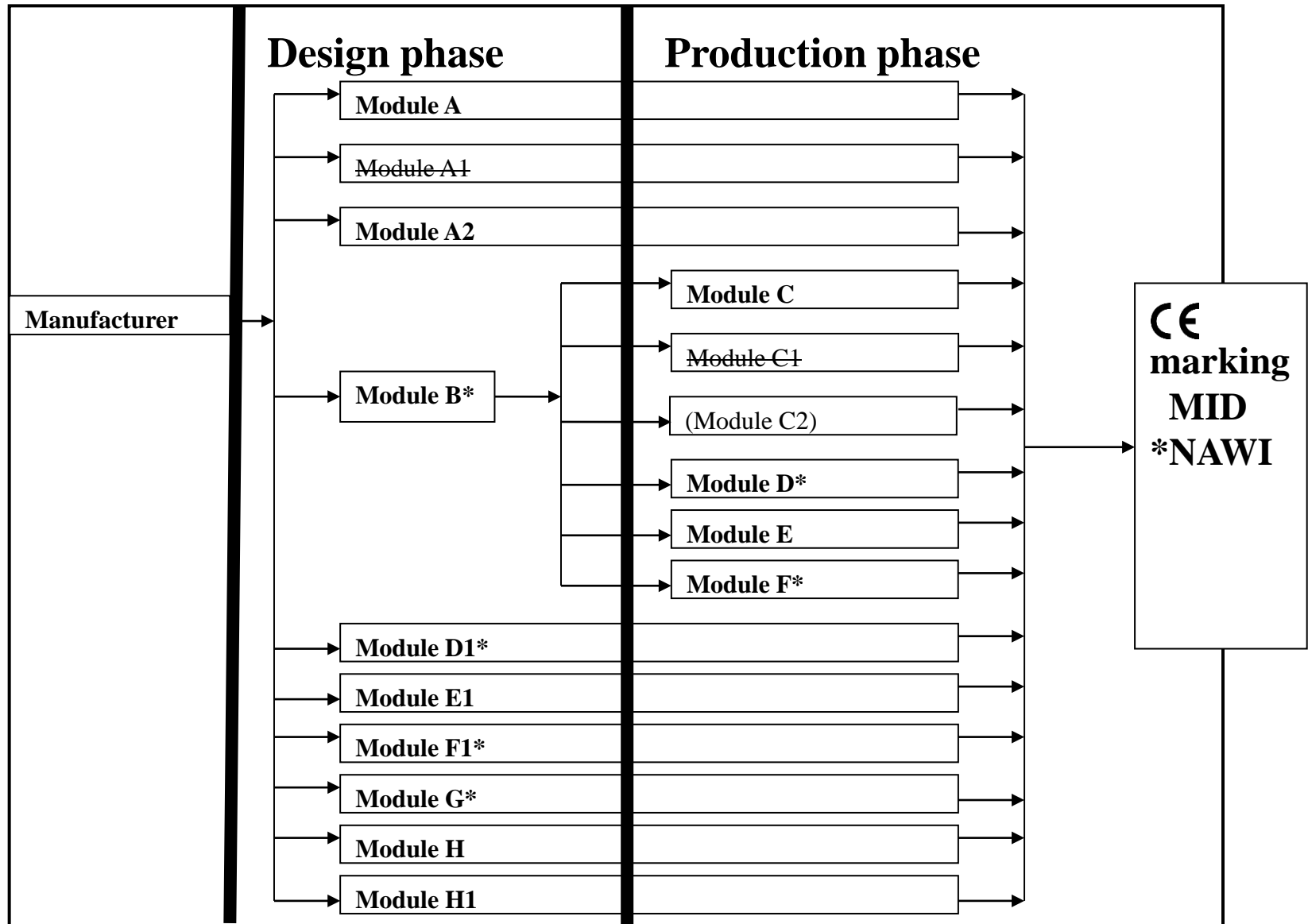
- **No direct effects for Member States or individuals**

*Better Regulation tool:
model Articles*

- **“toolbox”**

The basic Modules (the ISO CASCO toolbox)

- **8 basic modules** (with 13 variants)
- **Range of options** given to manufacturers **set in individual Directives**
- From a regulator's perspective, all procedures are deemed to lead to **equivalent results** in terms of product / system conformity



NLF recasts of NAWI and MID

- Official Journal [L 096](#) of 29 March 2014:
- NAWI = Directive 2014/31/EU, p 109-150
- MID = Directive 2014/32/EU, p 151-252
- entered into force on 18 April 2014
- Member States to transpose by 19 April 2016,
- when existing MID and NAWI are repealed

Measuring Instruments (3)

Measuring Instruments Directive 2004/22/EC (MID) features:

“Optionality”: whether or not there is legal metrological control is a Member State’s decision (option) but, where legal metrological control is required, only CE marked instruments can be used (total)

"Normative Documents": Commission through Comitology can designate (parts of) OIML Documents that provide presumption of conformity to essential requirements (procedure differs from ENs, effect is the same)

Measuring Instruments (4)

Non-automatic Weighing Instruments Directive 2009/23/EC (NAWI) features:

“Two stages”: putting into use can be controlled by another notified body than the one controlling manufacturing (both NBs chosen by manufacturer), so there may be 2 notified body numbers on the instrument once installed.

"Periodic verification": Member States obliged to ensure that instruments continue to perform in conformity with the Directive.

No "normative documents", "optionality" or "comitology" (as MID)
N.B. Directive 2009/23/EC recasts Directive 90/384/EEC

Pre-packaging (1)

Metrological requirements: Directive 76/211/EEC

- ✓ Product coverage: Liquids and non-liquids
- ✓ Optional Old Approach, so packer's choice to use it
- ✓ e-mark defined in Directive 2009/34/EC
- ✓ Test procedure by authority defined in Annex II
- ✓ Evaluation in 2005 – guidance needed
- ✓ e.g. drained weight & imports

http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/prepacked-products/index_en.htm

Pre-packaging (2)

Nominal quantities (pack sizes): Directive 2007/45/EC

- ✓ Mandatory for all packs
- ✓ i.e. not limited to Directive 76/211 !
- ✓ Wine & spirit drinks only allowed in fixed EU sizes
- ✓ No national sizes in other sectors allowed !
- ✓ Definitions for multipacks etc.
- ✓ Aerosols exempted from weight indications !
- http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/documents/pack-sizes/index_en.htm

• Pre-packaging (3)

Bottles used as measuring containers: Directive 75/107/EEC

- ✓ Very much used in glass bottles
- ✓ Notably wine, spirit drinks and milk
- ✓ Optional Old Approach, so manufacturer's choice to use it
- ✓ Test procedure by authority defined in Annex II
- ✓ \exists (= *reversed epsilon*) marking defined in Directive 2009/34/EC
- http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/prepacked-products/index_en.htm

Transposition

- One on one & minimise mixes
- Correlation tables are very helpful to all
 - Article by article in order of national law in 4 columns:
Directive text / national transposition /
national comment / Commission services comment
- Check your status with your hierarchy !
- Get rid of conflicting national rules:
e.g. pump resets to zero before transaction is finalised
- Info: ENTR-METROLOGY@ec.europa.eu
-